

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Li et al.
Docket No.: 275.0003 0102

01-08-02

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Box *seg*

Title: **COMPOSITION AND METHOD FOR *IN VIVO* AND *IN VITRO* ATTENUATION OF GENE EXPRESSION**
USING DOUBLE STRANDED RNA



01/04/02

Assistant Commissioner for Patents
ATTN: Box **PATENT APPLICATION**
Washington, D.C. 20231

JC332 U.S. PTO
10/038984
01/04/02

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ Copy of **UTILITY PATENT APPLICATION** including:
 - ☒ Specification (46 consecutively numbered pgs, including 61 claims on 8 pgs, and a 1pg Abstract);
 - ☒ Drawings (13 Figures on 9 sheets);
 - ☒ A copy of a signed Declaration and Power of Attorney (8 pgs).
- ☒ Application Data Sheet (4 pgs).
- ☒ An itemized return postcard.
- ☒ Preliminary Amendment (3 pgs, including Appendix (1 pg)).
- ☒ Communication Requesting Entry of Sequence Listing (2 pgs), Computer readable form of "Sequence Listing" (one disk) and paper copy of "Sequence Listing" (8 pgs). Applicants state that the paper copy form of the "Sequence Listing" section of the present application, and the computer readable form submitted herewith, are the same.
- ☒ Other: Request for Filing a Continuation Application Under Rule § 1.53(b) (3 pgs).
- ☒ Please charge Deposit Account No. 13-4895 in the amount of \$ 991 for the application filing fee, which is calculated below:

☒ **Small Entity Status is entitled to be asserted in the above-identified application.**

| APPLICATION FILING FEE | | | | | | |
|---|------------------------------|---|------------------------------|----------------------|--------------|--|
| | Number of Pending Claims (1) | Claims Included in Basic Filing Fee (2) | Number of Extra Claims (1-2) | Cost per Extra Claim | Fee Required | |
| Total Claims | 61 | 20 | 41 | x \$9 = | 369 | |
| Independent Claims | 9 | 3 | 6 | x \$42 = | 252 | |
| One or More Multiple Dependent Claims Presented? If Yes, Enter \$140 Here → | | | | | 0 | |
| Enter Basic Filing Fee (Utility Patent \$370) Here → | | | | | 370 | |
| Total Application Filing Fee | | | | | 991 | |

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. **13-4895**. Triplicate copies of this sheet are enclosed.

MUETING, RAASCH & GEBHARDT, P.A.
Customer Number: **26813**

By: David L. Provence
Name: David L. Provence
Reg. No.: 43,022
Direct Dial: 612-305-1006
Facsimile: 612-305-1228

CERTIFICATE UNDER 37 CFR §1.10:

"Express Mail" mailing label number: EL 888274043 US

Date of Deposit: January 4, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Attn: Box **PATENT APPLICATION**, Washington, D.C. 20231.

By: Gara Ladwig
Name: Gara Ladwig

(SMALL ENTITY TRANSMITTAL UNDER RULE 1.10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC932 U.S. PTO
10/038984
01/04/02

| Docket Number | Anticipated Classification | | Prior Application | |
|---------------|----------------------------|----------|---------------------|------------------|
| 275.0003 0102 | Class | Subclass | Examiner J. Kerr | Art Unit 1633 |

REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER RULE §1.53(b)

Assistant Commissioner for Patents
Attn: Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

This is a request for filing a continuation application under 37 CFR §1.53(b) of Serial No. 09/493,301, Confirmation No. 2058 filed on January 28, 2000, entitled COMPOSITION AND METHOD FOR *IN VIVO* AND *IN VITRO* ATTENUATION OF GENE EXPRESSION USING DOUBLE STRANDED RNA, which claims priority to U.S. Serial No. 60/117,635 filed on January 28, 1999, entitled DOUBLE STRANDED RNA BLOCKS SPECIFIC GENE EXPRESSION IN MULTICELLULAR SETTINGS IN *IN VIVO* AND *IN VITRO*, and U.S. Serial No. 60/175,440 filed on January 11, 2000, entitled DOUBLE STRANDED RNA BLOCKS SPECIFIC GENE EXPRESSION IN MULTICELLULAR SETTINGS IN *IN VIVO* AND *IN VITRO*, by the following inventors (name, address, and citizenship):

Yin-Xiong Li
816 Marilee Glen Court
Durham, NC 27705
Citizenship: People's Republic of China

Michael J. Farrell
7043 Laramie Avenue
Canoga Park, CA 91306
Citizenship: U.S.A.

Margaret L. Kirby
223 Fleming Drive
Durham, NC 27712
Citizenship: U.S.A.

1. X Enclosed is a copy of the specification (including claims, abstract, and drawings) as filed in the prior application.
2. Enclosed is a new specification (including claims and abstract). The entire disclosure of the prior

Filed: ON EVEN DATE HEREWITH

Title: COMPOSITION AND METHOD FOR IN VIVO AND IN VITRO ATTENUATION OF GENE EXPRESSION USING DOUBLE STRANDED RNA

application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference.

3. X Enclosed is a copy of the Declaration and Power of Attorney filed in the prior application.
4. Enclosed is a newly executed Declaration and Power of Attorney.
5. Enclosed are drawings (sheets).
6. Cancel in this application claims before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)
7. X A preliminary amendment is enclosed.
8. X The filing fee is calculated below:

| CLAIMS AS FILED | | | |
|------------------------------------|--------------|-------|--------------------|
| NUMBER FILED | NUMBER EXTRA | RATE | BASIC FEE \$370 |
| Total Claims 61-20 = | 41 | \$9 | \$369 |
| Independent Claims 9-3 = | 6 | \$42 | \$252 |
| MULTIPLE DEPENDENT CLAIM PRESENTED | | \$140 | \$0 |
| FILING FEE: | | | \$991 |

9. X The Commissioner is hereby authorized to charge the application filing fee in the amount of \$991 to Account No. 13-4895.
10. X The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-4895.
11. This application is being filed by less than all of the inventors named in the prior application. Please delete the names of the following inventor(s) who are not inventors of the invention claimed in the present application:
12. Amend the specification by inserting as the first sentence on page 1, the following: -- This is a continuation of application Serial No. , filed , (pending/issued/abandoned), which is incorporated herein by reference.--

Filed: ON EVEN DATE HEREWITH

Title: COMPOSITION AND METHOD FOR IN VIVO AND IN VITRO ATTENUATION OF GENE EXPRESSION USING DOUBLE STRANDED RNA

13. ☐ Priority of foreign application Serial No. ___, filed on ___ in (country) ___ is claimed under 35 U.S.C. §119.
14. ☒ The prior application is assigned of record to Medical College of Georgia Research Institute, Inc.
15. ☒ The Power of Attorney in the prior application is to:

Victoria A. Sandberg
Muetting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Customer Number 26813

16. ☒ Small Entity Status is entitled to be asserted in the above-identified application.

Address all future communications to:

MUETING, RAASCH & GEBHARDT, P.A.
P.O. Box 581415
Minneapolis, Minnesota 55458-1415
Customer Number 26813

Attn: David L. Provence
(Telephone: 612-305-1220)
(Facsimile: 612-305-1228)

Date:

January 4, 2002

David L. Provence

David L. Provence
Reg. No. 43,022
Direct Dial (612) 305-1005

"Express Mail" mailing label number EL 888274043 US

Date of Deposit January 4, 2002

I hereby certify that this paper and/or fee is/are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Attn: Box PATENT APPLICATION, Washington, D. C. 20231.

Name: Gara Ladwig

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Li et al.) Group Art Unit: 1633
) (prior application)
Serial No.: Unassigned)
(Parent: 09/493,301) Examiner: J. Kerr
) (prior application)
Filed: Herewith)
(Parent: January 28, 2000))
For: COMPOSITION AND METHOD FOR *IN VIVO* AND *IN VITRO*
ATTENUATION OF GENE EXPRESSION USING DOUBLE STRANDED
RNA

COMMUNICATION REQUESTING ENTRY OF SEQUENCE LISTING

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. §1.821 et seq., a computer readable form (CRF) and written Sequence Listing for the above-captioned application are submitted herewith. Applicants request entry of same into the specification.

In accordance with 37 C.F.R. §1.821 et seq., it is respectfully submitted that the written Sequence Listing and the Computer readable form of the Sequence Listing are identical. It is further submitted that Sequence Listing does not contain new matter.

Communication Requesting Entry of Sequence Listing

Page 2 of 2

Serial No.: Unknown

Confirmation No.: Unknown

Filed: HERewith

For: COMPOSITION AND METHOD FOR IN VIVO AND IN VITRO ATTENUATION OF GENE EXPRESSION
USING DOUBLE STRANDED RNA

The Examiner is invited to contact Applicants' Representatives at the below-listed telephone number if prosecution of this application may be assisted thereby.

Respectfully submitted for

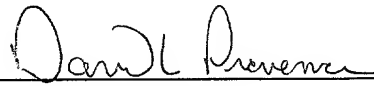
Li et al.

By
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Minneapolis, MN 55458-1415
Phone: (612)305-1220
Facsimile: (612)305-1228
Customer Number 26813

January 4, 2002

Date

By:



David L. Provence

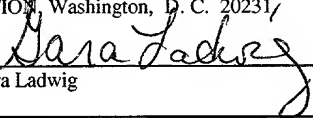
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Name: Gara Ladwig